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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ANIBAL RODRIGUEZ, SAL
CATALDO, JULIAN
SANTIAGO, and SUSAN LYNN
HARVEY, individually and on behalf of all
others similarly situated,

Plaintiffs,

vs.

GOOGLE LLC,

Defendant.

Case No.: 3:20-cv-04688-RS

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION TO DIRECT
NOTICE TO MEMBERS OF THE
CERTIFIED CLASSES**

The Honorable Richard Seeborg
Courtroom 3 – 17th Floor
Date: April 11, 2024
Time: 1:30 p.m.

On January 3, 2024, the Court granted Plaintiffs’ motion for class certification, certifying two classes under Rule 23(b)(3) and Rule 23(b)(2), each to pursue three claims against Google. Dkt. 352. These two certified classes include Google users who turned off (or paused) the Google privacy controls referred to as Web & App Activity (“WAA”) and supplemental Web & App Activity (“sWAA”) (collectively “(s)WAA”). Pursuant to the Court’s case management schedule, on February 29, 2024 Plaintiffs submitted for consideration a proposed class notice program (“the Class Notice Plan”). Dkt. 368. For the reasons stated herein, Plaintiffs’ motion is **GRANTED**.

The Class Notice Plan complies with Rule 23 and Due Process, and shall be executed consistent with Plaintiffs’ Motion and documents supported in support thereof.

Plaintiffs’ proposed Class Notice Administrator is appointed to administer the Class Notice Plan, who shall be vested with all duties and responsibilities to effectuate the Class Notice Plan.

As agreed to by the parties (Dkt. 363 at 9, 11) and adopted by the Court (Dkt. 367), the Class Notice Plan will shall proceed on the schedule as previously ordered by the Court. Dkt. 367.

The Court has also reviewed Plaintiffs’ proposed class period and determined that the class period should be defined as starting on July 1, 2016 and continue through the date that the notice program begins (the “Class Period”). *See, e.g., In re Wal-Mart Stores, Inc. Wage and Hour Litig.*, 2008 WL 1990806, at *6 (N.D. Cal. May 5, 2008).

Finally, any class member who fails to opt out within the period specified in the notice will be deemed a member of the class. *Officers for Justice v. Civil Service Comm’n*, 688 F.2d 615, 634-635 (9th Cir. 1982); *Low v. Trump University, LLC*, 881 F.3d 1111 (9th Cir. 2018). Class members must choose whether to remain in the class during the opt-out period. *See id.* at 634–35 (rejecting argument that “due process requires that members of a Rule 23(b)(3) class be given a second chance to opt out”). If class members do not opt out within the period specific in the notice, they will not have a subsequent opportunity to do so. *Trump University, LLC*, 881 F.3d at 1111.

DONE and **ORDERED** this ____ day of _____, 2024.

Honorable Richard Seeborg
Chief United States District Judge